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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sherif Safwat, et al.

Docket no. 2194DIV1

Serial no.: 10/036,992

Filed : December 29, 2001

For : TRAWL SYSTEM CELL DESIGN AND  
METHODS

Art Unit : 3643

Examiner: Kurt C. Rowan

Commissioner of Patents  
Washington, D.C. 20231**RECEIVED**

JUN 05 2003

DECLARATION OF SHERIF SAFWAT**GROUP 3600**

I. SHERIF SAFWAT, declare that:

1. I am 33 years old and reside at 1925 Donner Avenue, Unit no. 3, Davis, California 95616.

2. I have been awarded a degree in Classics by the University of California at Davis in 2000.

3. I am named as an inventor on the following issued patents.

Australian Patent no. 708,486

European Patent No. 859,546

Icelandic Patent No. 1827

Namibian Patent Nos. 96-0080, 98-0031 and 99-0007

New Zealand Patent Nos. 321,156 and 500,917

Peruvian Patent Nos. 1500 and 2501

Russia Patent No. 2,190,325(C2)

South African Patent Nos. 96-8607, 98-3094 and 99-1050

Taiwanese Patent Nos. 104,110 and 116,099

United States Patent Nos. 6,357,164, 6,374,531 and  
6,434,879

4. I am one of the inventors named in the patent application identified above, which is a division of United States Patent No. 6,374,531 entitled "Trawl System Cell Design and Methods" which issued April 23, 2002.

5. I have reviewed the Examiner's Action dated January 28, 2003, for the patent application identified above, particularly the allegation appearing on page 2 thereof that United States Patent No. 2,792,617 entitled "Process of Heat Setting Thermoplastic Net in Rope Form and Product Produced Thereby" that issued May 21, 1957, on a patent application by John Walter Ecroyd Haller ("the Haller patent") discloses:

a net which is capable of being drawn thru the water with a mesh design having a first right hand cell bar 60 and a second left hand cell bar 59 which would inherently provide lift to the net . . . . (Emphasis supplied.)

6. I have reviewed the Haller patent.

7. I have also review Exhibit A included in a response to a July 31, 2002, Examiner's Action that was filed with the United States Patent and Trademark Office ("USPTO") on November 4, 2002, ("the prior response") a copy of which exhibit is attached hereto as Exhibit A.

8. Attached hereto as Exhibit B is a photograph of physical models which I personally fabricated that reproduce the items appearing both in Exhibit A hereto, and in Exhibit A to the prior response.

9. In the photograph of Exhibit B, white twisted pairs of rope and lime green twisted pairs of rope, which appear in the upper half of the photograph of Exhibit B, model the structure depicted in FIG. 9e of the present application which appears both in the upper half of Exhibit A hereto, and in the upper half of Exhibit A to the prior response.

10. In accordance with the terminology used in the pending patent application:

- a. the white pairs of rope, which form segments 59a-59a' and 59c in FIG. 9e, have a left handed lay; and
- b. the lime green pairs of rope, which form segments 59b-59b' and 59d in FIG. 9e, have a right handed lay.

11. In the photograph of Exhibit B, the dark green knotted pair of ropes appearing at the center of the lower half of the photograph of Exhibit B model FIG. 1 of the Haller patent which appears both in the lower half of Exhibit A hereto, and in the lower half of Exhibit A to the prior response.

12. Exhibit C attached hereto is an enlargement of a portion of Exhibit B enclosed within a circular arc C-C which more clearly presents the crossing appearing in FIG. 9e of the present application of:

- a. the white left handed lay pairs of rope forming the segments 59a-59a'; and

b. the lime green right handed lay pairs of rope forming the segments 59b-59b'.

13. In Exhibit C, black bars resting in grooves of the white left handed lay pairs of rope forming segments 59a and 59a' indicate the orientation of grooves therein.

14. In Exhibit C, white bars resting in grooves of the lime green right handed lay pairs of rope forming segments 59b and 59b' indicate the orientation of grooves therein.

15. Note in Exhibit C that because the white pairs of rope have a left hand lay and the lime green pairs of rope have a complementing right handed lay, the black bars and the white bars appearing in Exhibit C are aligned in substantially the same direction.

16. Exhibit D attached hereto is an enlargement of a portion of Exhibit B enclosed within a circular arc D-D which more clearly presents the dark green knotted pair of ropes appearing at the center of the lower half of the photograph of Exhibit B which reproduce FIG. 1 of the Haller patent.

17. In Exhibit D, white bars resting in grooves of the dark green knotted pair of ropes indicate the orientation of grooves therein and the lay direction of both ropes appearing in Exhibit D.

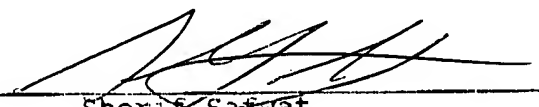
18. Note in Exhibit D that, differing from the bars in Exhibit C, the white bars resting in grooves of the cell bar 59 have an orientation which is skewed with respect to the white bars resting in grooves of the cell bar 60.

19. Since the white bars resting in grooves of the cell bar 60 are skewed with respect to the white bars resting in grooves of the cell bar 59 rather than aligned therewith, contrary to the allegation quoted above from the Examiner's Action the cell bar 59 is not left handed as that term is used in the pending patent application.

20. Rather, the white bars resting in grooves of the cell bar 60 irrefutably establish that the cell bar 60 is right handed as that term is used in the pending patent application.

21. I am unaware of any facts contrary to the facts and opinions contained in this Declaration.

22. I declare under penalty of perjury under the laws of the United States of America that all statements made herein of my own knowledge are true and correct, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing on the subject application.

  
Sherif Safwat

Dated: April 25, 2003  
(2003)